

# 21659

## COOPERATIVE AGREEMENT

musical instrument or any other device or other device or source of sound or noise, in accordance with D.C. Code § 22-2105.

THIS AGREEMENT, made and entered into this \_\_\_\_ day of August, 2001, by and between CAE, LLC, trading as Grille 88 Restaurant (hereinafter the "Applicant"), and Advisory Neighborhood Commission 2B, Camille Grosdidier-Cholst, Marion Namarro, Jennifer Campbell, Tim Touchette, Emily Matthes and Beverly Schwartz (hereinafter the "Protestants"), WITNESSETH:

WHEREAS Applicant has filed an application (No. 21659-02/089P) with the District of Columbia Alcoholic Beverage Control Board (hereinafter the "Board") for the renewal of a Class CR License for the premises known as Grille 88, located at 1910 - 18th Street, N.W., Washington, D.C.; and

WHEREAS Protestants have filed before the Board protests opposing the renewal of this license; and

WHEREAS Applicant has filed a request with the Board requesting permission to have live music on the premises; and

WHEREAS in recognition of the Board's policy of encouraging parties to a protested proceeding to settle their differences by reaching voluntary agreements, the parties hereto desire to enter into a cooperative agreement whereby (1) Applicant will agree to adopt certain measures to address the Protestants' concerns and to include this Agreement as a formal condition of its application, and (2) Protestants will agree to the issuance of the renewal of the license and withdrawal of the protest, provided that such agreement is incorporated into the Board's order renewing the license, which order is thereby conditioned upon compliance with such agreement; and

WHEREAS Applicant has recently taken or intends to take certain measures designed to ameliorate Protestants' concern;

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties hereby agree as follows:

1. **Live Music.** Applicant is authorized to provide live piano music from 7 to 10 PM Monday through Thursday, and 8 to 11:30 PM on Friday and Saturday, and Sunday Brunch 12 Noon to 3 PM..
2. **Noise/Music.** Applicant acknowledges familiarity with and will comply with noise-control provisions of District of Columbia law and regulations, including preventing emissions of sound capable of being heard outside the premises, by any

musical instrument or amplification device or other device or source of sound or noise, in accordance with DCMR 905.

8m 3. Trash/garbage/rodents. Applicant shall maintain regular trash/garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean. Applicant shall deposit trash and garbage only in rodent-proof dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents and eliminate the rat population.

4. Parking in alley behind restaurant. Applicant shall not park in the alleyway behind the restaurant and no deliveries to the restaurant shall be made from the alleyway. Applicant shall instruct employees not to park behind the restaurant and discourage patrons from parking there.

8m 5. Consideration. Applicant will encourage employees and patrons to be considerate of neighboring residents at all times. Applicant will encourage employees ~~leaving~~ the establishment to keep conversations and noise down.

6. Modification. This agreement can be modified only by mutual agreement of all the parties with the approval of the ABC Board. In the case of ANC-2B01, if Applicant desires to modify the terms of this agreement, prior to implementing the changes Applicant shall receive written agreement from ANC-2B01 after a majority of the commissioners shall have voted in favor of the changes at a full public meeting.

7. Regulations. In addition to the foregoing, Applicant will operate in compliance with all applicable laws and regulations.

8. Withdrawal of protests. In consideration of the above, the Protestants agree to and withdraw their Protest, provided that the Cooperative Agreement is incorporated into the Board's order granting the renewal.

APPLICANT:

PROTESTANTS:

CAE, LLC

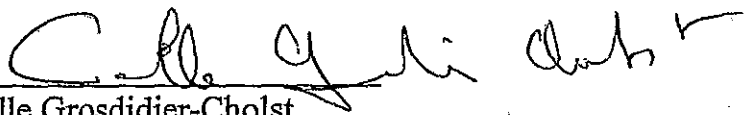
ANC 2B

By

Alan Popovsky, Manager

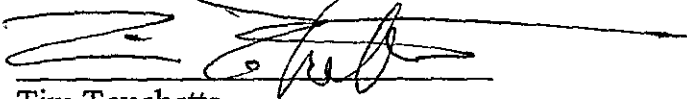
By

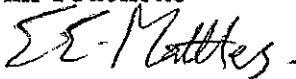
Vince Micone, Chairman

  
Camille Grosdidier-Cholst

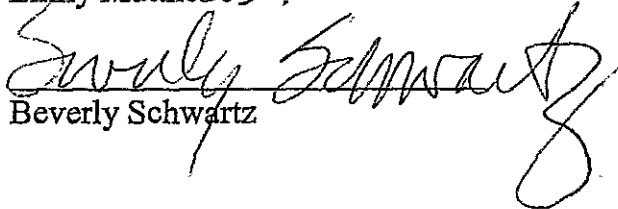
  
Marion Navarro

Jennifer Campbell

  
Tim Touchette

  
EE Matthes

Emily Matthews

  
Beverly Schwartz

**BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**In the Matter of:**

CAE, LLC  
t/a Grille 88

Application for a Retailer's Class  
CR (renewal)  
at premises  
1910 18<sup>th</sup> Street, N.W.  
Washington, D.C.

Case no. 21659-02/089P  
2002-263

Vince Micone, Chair, on behalf of the Advisory Neighborhood Commission 2B, Camille Grosdidier-Cholst, Tim Touchette, Emily Matthews, and Beverly Schwartz, Protestants

Dimitri P. Mallios, Esquire, on behalf of the Applicant

**BEFORE:** Roderic L. Woodson, Esquire, Chair

Vera Abbott, Member

Charles Burger, Member

Laurie Collins, Member

Judy Moy, Member

Ellen Oppenheimer, Esquire, Member

Audrey Thompson, Member

**ORDER ON WITHDRAWN OPPOSITION  
AND VOLUNTARY AGREEMENT**

The application, having been protested, came before the Board on June 12, 2002, in accordance with D.C. Official Code Section 25-601 (2000 Edition). Vince Micone, Chair, on behalf of the Advisory Neighborhood Commission 2B, Camille Grosdidier-Cholst, Tim Touchette, Emily Matthews, and Beverly Schwartz filed timely opposition.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated August 2002, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is

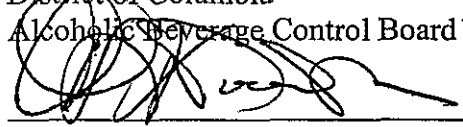
CAE, LLC  
t/a Grille 88  
Page two

conditioned upon the licensee's continuing compliance with the terms of the agreement.

Accordingly, it is this 13<sup>th</sup> day of November 2002, **ORDERED** that:

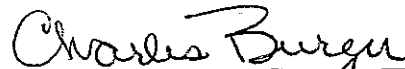
1. The opposition of Vince Micone, Chair, on behalf of the Advisory Neighborhood Commission 2B, Camille Grosdidier-Cholst, Tim Touchette, Emily Matthews, Jennifer Campbell, and Beverly Schwartz is **WITHDRAWN**;
2. The application of CAE, LLC t/a Grille 88 for a retailer's class CR license (renewal) at 1910 18<sup>th</sup> Street, N.W., Washington, D.C., is **GRANTED**;
3. The above-referenced agreement between the parties is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestants and the Attorney for the Applicant.

District of Columbia  
Alcoholic Beverage Control Board

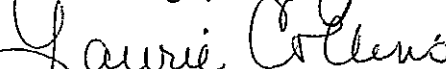
  
Roderic L. Woodson, Esquire, Chair

NOT VOTING

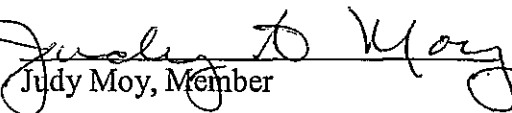
Vera Abbott, Member



Charles Burger, Member



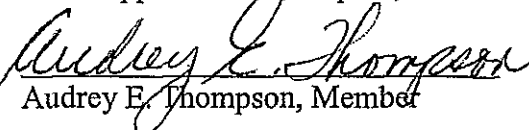
Laurie Collins, Member



Judy Moy, Member

NOT VOTING

Ellen Oppenheimer, Esquire, Member



Audrey E. Thompson, Member

#21689

AGREEMENT

Made this 6 day of June 1997, by and between Ogawa, Inc.,  
t/a Suehiro Japanese Restaurant, (the Applicant), and Advisory  
Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Class Ret "CR"  
license for premises, 332 Pennsylvania Ave SE, ABC Application  
#21689, is now pending before the District of Columbia Alcoholic  
Beverage Control Board (ABC); and,

WHEREAS, the subject premises are located within the ANC 6B  
area; and,

WHEREAS, the parties desire to enter into an agreement  
governing certain understandings regarding the issuance of a  
Class Ret "CR" Liquor License at the subject premises; and,

WHEREAS, the ability of the District of Columbia government  
to provide essential public services is compromised by the  
failure of businesses and individuals to pay their financial  
obligations to the government in a full and timely manner; and,

WHEREAS, the strict enforcement of health, safety, and  
security regulations enhances compliance with such regulations,  
and, in turn, preserves and enhances the peace, order, and quiet  
of communities within the District of Columbia; and,

WHEREAS, the Applicant herein certifies that it does not  
owe more than \$100 to the District of Columbia government as the  
result of any fine, fee, penalty interest or past due tax;

NOW, THEREFORE, the parties agree as follows:

1. In consideration of, and reliance upon, the representations reflected in the paragraphs above, the ANC hereby agrees not to oppose the Applicant's pending license application.

2. The parties further agree that any failure of Applicant to adhere to the foregoing representations would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: Michael C. Gallon for By: L-H Simon